IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 51 OF 2005

Praful Kothari ... Appellant.

Versus.

Municipal Corporation of Gr. Mumbai and others. ... Respondents.

Shri J.S.Kini for the Appellant.

Shri A.J.Bhor for the Respondent No.1.

CORAM : ABHAY S. OKA, J.

DATED : 19th January, 2005.

P.C.:

1. The affidavit dated 19th January 2005 filed by the Appellant is taken on record and marked "X" for identification. In the said affidavit the Appellant has stated that he is unconditionally withdrawing the suit filed in the Bombay City Civil Court and will make an application in prescribed form for regularisation the structure in question to the Respondents Nos.1 and 2 within a period of four weeks. The undertakings given by the Appellant in paragraphs Nos.1 to 4 of the affidavit are accepted.

2. As the Appellant has undertaken to withdraw the main suit unconditionally the Appeal does not survive and the same is dismissed with no order as to costs.

3. However, if the Appellant makes an application for

regularisation of the structure in accordance with the law within a period of four weeks from today to the Respondents Nos.1 and 2, the said application shall be decided by the concerned authorities within a period of 12 weeks from the date of receipt of the application.

4. Both the parties are directed to maintain statusquo as of today in respect of the suit structure for a period of twenty weeks from today.

5. The parties and the concerned authority to act on the authenticated copy of this order.

Judge.